

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION**

IN RE:
RODGER LANTZ GROSSE
KAITLYN LOUISE GROSSE
255 CLARENCE LANE
GARNER, NC 27529

CASE NO: 25-01024-5-DMW
CHAPTER 13

Debtors

OBJECTION TO CONFIRMATION

NOW COMES the Chapter 13 Trustee, and hereby moves for entry of an order denying confirmation of the Debtors' chapter 13 plan by finding it does not comply with the provisions of 11 U.S.C. §§ 1322 and or 1325. The basis for this objection is set forth below:

1. Upon information and belief, the Debtors have failed to file all applicable Federal, State, and local tax returns as required by 11 U.S.C. § 1308, and therefore has not complied with 11 U.S.C. § 1325(a)(9)
2. The Debtors have not provided the Trustee with a copy of the Federal income tax return required under applicable law, or a transcript of such return, for the most recent tax year ending immediately before the commencement of this case and for which a Federal income tax return was filed, as required by 11 U.S.C. § 521(e)(2)(i). The Trustee therefore cannot determine if the Debtors have complied with 11 U.S.C. § 1325(a)(9), by filing all applicable tax returns required by 11 U.S.C. § 1308.
3. The Debtors' § 341 Meeting of Creditors was conducted on April 15, 2025; however, it was not concluded and was held open by the Trustee pursuant to 11 U.S.C. § 1308(b)(1) to May 31, 2025, in order to allow the Debtors additional time to file tax returns. The Debtors have not filed a motion to continue the confirmation hearing scheduled in this case. The Trustee objects to confirmation of the plan under 11 U.S.C. § 1325(a)(9) because the Debtor has not filed all tax returns required by 11 U.S.C. § 1308.
4. The plan does not satisfy the requirements of 11 U.S.C. § 1325(a)(4), as reported by the debtor(s). The plan provides in part 2.5 that such test requires \$54,855.83 to be paid to holders of allowed general unsecured claims. As of the date of this objection, the Trustee calculates the plan will pay general unsecured claims \$54,496.20.
5. The plan does not satisfy the requirements of 11 U.S.C. § 1325 in that the proposed monthly payment schedule to the Trustee will not result in the scheduled or filed claims identified in the plan being paid as set forth therein. The proposed plan base is \$71,160.01. As of the date of this objection, the Trustee calculates a feasible plan base to be \$71,682.00. The on-going feasibility of this figure is susceptible to various factors, including claims filed or amended after the date of this objection, and/or plan amendments which alter the treatment of claims as currently set out in the plan.

WHEREFORE, based upon the foregoing, the Trustee respectfully requests that the Court deny confirmation of the plan, and for any other relief the Court deems just and proper.

Dated: May 8, 2025

/s/ Michael B. Burnett

Michael B. Burnett

CHAPTER 13 TRUSTEE

N.C. BAR NO. 42719

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CERTIFICATION OF SERVICE

I, Erika West, of PO Box 61039, Raleigh, NC 27661-1039, do certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and

That I have this day caused copies of the foregoing Objection to Confirmation on to be served on the parties listed below by United States mail bearing sufficient postage, or if such interested party is a Filing User, by electronic transmission, pursuant to Local Rule 5005-4(9)(b).

DATED: May 08, 2025

/s/Erika West
Case Administrator

By U.S. Mail

DEBTORS
RODGER LANTZ GROSSE
KAITLYN LOUISE GROSSE
255 CLARENCE LANE
GARNER, NC 27529

By CM/ECF:

ATTORNEY FOR DEBTORS
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